Application No. 10/798,703 Client Reference No. N0190US

REMARKS

I. Examiner Interview

Applicants' attorney appreciates the Examiner's courtesy in speaking with him on March 10, 2009, regarding the outstanding Non-Final Office Action. The interview included discussion of the § 103 rejections of claims 1 and 25 made by the Examiner. Applicants submit that the comments below reflect the substance of the interview.

II. Status

Claims 16-19, 21, and 25 have been amended. No new matter has been added as a result. Support for amended claims can be found on at least page 5, lines 3-7; page 6, line 12 – page 7, line 16; page 8, line 29 – page 9, line 3; page 9, lines 3-23 and 28-29; page 9, line 24 – page 10, line 18; page 11, lines 4-8; page 12, lines 18-24; and page 15, line 21 – page 16, line 13 of Applicants' specification as well as Figures 1-4. Accordingly, claims 1-25 are currently pending.

III. Rejections Under 35 U.S.C. § 103

Claims 1-25 were rejected under 35 U.S.C. §103(a) as being unpatentable over SimCity (User's Manual for SIM CITY 2000) and SimCopter (User's Manual for SIM COPTER: Fly Missions In The Metropolis) in view of MapQuest (MapQuest website print out from 1997).

Claim 1 and Dependents

Claim 1 recites, *inter alia*, "selecting, by a game developer, from an inventory of map database products, a map database that contains data that represents a road network located in a real-world geographic area to be depicted as part of a playing scenario of a computer game, wherein the data that represents the road network includes geographic coordinates of positions of roads and turn restrictions at intersections of the roads, and wherein the map database products are provided by a map developer separate from the game developer," "selecting, by the game developer, from a game shells inventory a game shell data structure that includes basic logic, rules, strategy, and characters for the computer game," "combining, by the game developer, the map database and the game shell data structure in a

computer game product," and "providing the computer game product to an end user separate from the game developer and the map developer." The combination of the references does not teach or suggest at least these features.

SimCopter discloses pre-made cities, called career cities, that are included in the game. (SimCopter, page 3). Also, an end user may develop or build cities via SimCity 2000. (SimCopter, page 3). City settings may be modified via a settings panel. (SimCopter, page 56). An end user is able to be a pilot within the Career Cities or cities built by him or her for game play. (SimCopter, page 3).

SimCity discloses a building game that allows an end user to create and try to increase the size of cities. (SimCity, page 2). An end user can take over and run any of the included scenario cities (pre-built cities) or build a city from the ground up. (SimCity, pages 2 and 10).

MapQuest discloses a website interface page for users. According to the interface page, there are tabs for maps and a road trip.

However, even if one of ordinary skill would have combined the references, there is still no teaching or suggestion of selecting, by a game developer, from an inventory of map database products, a map database that contains data that represents features located in a real-world geographic area to be depicted as part of a playing scenario of a computer game in which the game developer is separate from an end user. The Examiner asserts that SimCopter discloses the selecting a map. (Office Action, page 2). Yet, SimCopter and SimCity disclose that an end user, not a game developer, is able to choose a city to play in for either game.

The Examiner asserts that who selects the map database is immaterial to patentability. (Office Action, page 3). However, the specific entities, the steps they implement, and the dynamic between them provide claim limitations, which the Examiner ignores. The claim limitations refer to a game developer entity (such as the company that produces SimCopter) selecting from an inventory of map databases to create a game for end users, which is different than an end user selecting different cities within the SimCopter game. There is no teaching or suggestion of a game developer selecting a map database from and inventory of map database products.

There is no teaching or suggestion of selecting a game shell data structure from a game shells inventory that includes basic logic, rules, strategy, and

characters by the game developer, separate from an end user. The Examiner asserts that SimCopter discloses selecting a game shell structure and that it does not matter who does it. (Office Action, pages 2-3). Firstly, because an end user can select a city to use in the SimCopter game does not mean that the end user is selecting a game shell structure (basic logic, rules, strategy, and characters) from a game shells inventory. Selecting one city over another means the selected city will be used in the game, but the basic logic and rules will be the same because it is still the same game, SimCopter. Secondly, the claim recites that the game developer, not an end user, selects a game shell data structure from a game shells inventory, which is not disclosed by the references.

There is no teaching or suggestion of a game developer combining the selected map database and the selected game shell data structure to form a computer game product and providing the computer game product to an end user that is different and separate from the game developer and a map developer. SimCopter and SimCity disclose that an end user can choose between cities for playing a game. There is no teaching or suggestion that a computer game product is created by a game developer and provided to a separate end user.

Additionally, there is no teaching or suggestion of a selected map database that contains data that represents the road network including geographic coordinates of positions of roads and turn restrictions at intersections of the roads. The Examiner asserts that it would have been obvious to use the map data from MapQuest to model cities that are selected in SimCopter and SimCity. (Office Action, page 3). However, the data available from MapQuest is not suitable for incorporation in a computer game. MapQuest provides (1) graphical maps and (2) routing directions. Map data per se is not downloadable from MapQuest (*i.e.*, the data needed for re-creating a navigable map cannot be downloaded from MapQuest). MapQuest obtains navigable data from a separate map developer (NAVTEQ) and compiles it into a format suitable for providing map and navigation-related functions. However, the data on the MapQuest site cannot be combined or used in a computer game.

Also, the references do not disclose a game developer or game player obtaining data of any kind (much less data representing a road network) from a separate third party to facilitate building of a city. Accordingly, there is nothing in the

references that would suggest modifying the game play to include data from a separate third party source, much less from a source of map data for vehicle navigation.

Furthermore, the MapQuest reference merely discloses an interface page, and there is no disclosure of what kind of data or data structure being used. For example, in viewing the combination of the references, there is no mention, teaching, or suggestion of data that represents a road network including *geographic coordinates*, such as latitude, longitude, and altitude.

Accordingly, claim 1 is allowable for at least these reasons. Claims 2-20 depend, directly or indirectly, from allowable claim 1 and, therefore, are allowable for at least the same reasons.

Furthermore, claim 16 recites, *inter alia*, "wherein the game shells inventory includes basic logic, rules, strategy, and characters for a type of computer game **including** a road rally game, a police chase game, a location quiz game, a "bot" fighter game, a flight simulator game, a "first-person-shooter" game, an auto theft game, **and** an urban development simulator game." The combination of references does not teach or suggest at least these features. For example, SimCopter includes basic logic and rules for one game. There is no teaching of a game shells inventory including basic logic, rules, strategy, and characters for all of the type of games recited.

Claim 18 recites, *inter alia*, "wherein the different locales include cities, states, **and** countries." The combination of references does not teach or suggest at least these features. For example, SimCopter discloses selection of cities, but there is no teaching of selecting between cities, states, and countries.

Claim 19 recites, *inter alia*, "wherein the inventory of map database products includes map databases that represent the real-world geographic area for different purposes, wherein the map databases include:

the selected map database containing the data representing the road network including data representing expressways;

a pedestrian map database containing data corresponding to pedestrian travel including data representing hiking trails;

a bicycle map database containing data corresponding to bike travel including data representing bike paths; and

an aircraft map database containing data corresponding to aircraft travel including data representing airport runways,

wherein the selected map database excludes the data representing the hiking trails and the airport runways,

wherein the pedestrian map database excludes the data representing the expressways and the airport runways,

wherein the bicycle map database excludes the data representing the expressways and the airport runways, and

wherein the aircraft map database excludes the data representing the hiking trails." The combination of references does not teach or suggest at least these features.

Claim 20 recites, *inter alia*, "wherein the inventory of map database products includes map databases that represent a locale with different levels of accuracy." The Examiner asserts that it is within the ability of one or ordinary skill in the art to create a map database based on a real-world locale of varying accuracy levels. (Office Action, page 5). However, just because someone can create something does not mean that there is prior art disclosing the claimed subject matter. There is no teaching, for example, of having an inventory of map databases of the same city with different levels of accuracy, let alone an inventory of map databases used for selection by a game developer, not an end user.

Claim 21 and Dependents

Claim 21 recites some features similar to the features of claim 1 described above. Accordingly, some of the arguments made in regards to claim 1 appropriately apply to claim 21 as well. Furthermore, claim 21 recites, *inter alia*, "a game shells inventory that contains data structures that includes basic logic, rules, strategy, and characters for a type of computer game including a road rally game, a flight simulator game, a "first-person-shooter" game, and an urban development

simulator game" and "a program that combines one of the map data products and one of the data structures from the game shells inventory to produce a computer game." The combination of the references does not teach or suggest at least these features.

SimCopter includes basic logic and rules for one game. There is no teaching of a game shells inventory including basic logic, rules, strategy, and characters for different types of games including a road rally game, a flight simulator game, a "first-person-shooter" game, **and** an urban development simulator game. Also, there is no teaching or suggestion of a program that combines one of the map data products and one of the data structures from the game shells inventory to produce a computer game. The combination of the references shows that an end user can select cities to use in a game, such as the SimCopter game. There is no teaching or suggestion of a computer game factory system that creates different computer games for end users.

Accordingly, claim 21 is allowable for at least these reasons. Claims 22-24 depend from allowable claim 21 and, therefore, are allowable for at least the same reasons.

Claim 25

Claim 25 recites, *inter alia*, "selecting, by a map developer, a locale input indicating a real-world geographic locale," "selecting, by the map developer, a type input indicating a type of data selected from a group consisting of: auto, pedestrian, bicycle, and aircraft," "selecting, by the map developer, an accuracy level input indicating a level of detail of data," "querying, by the map developer, a master geographic database as a function of the locale input, the type input, and the accuracy level input, the master geographic database produced by the map developer and containing data representing a plurality of road segments corresponding to roads of a real-world locale, wherein the data representing the plurality of road segments are configured to be compiled for navigation-related functions in a navigation device, the data representing the plurality of road segments include navigation-related attributes, the navigation-related attributes include (i) geographic coordinates, (ii) street names, (iii) address ranges, (iv) turn restrictions, and (v) road connectivity," "retrieving, by the map developer, map data from the

master geographic database based on the query, the map data being the selected type of data representing the selected real-world geographic locale at the selected level of detail," and "providing, by the map developer, the map data to a separate game developer to produce a computer game based on the map data." The combination of the references does not teach or suggest at least these features.

The combination of the references shows that an end user can select cities to use in the SimCopter game. There is no teaching or suggestion of a map developer entity (separate from a game developer) that selects a locale input, a data type input, and an accuracy level input and then queries the recited master geographic database (produced by the map developer) based on at least those three criteria. Furthermore, there is no teaching or suggestion of retrieving map data based on the query in which the map data is the selected type of data (such as pedestrian data including hiking trails or auto data including expressways) representing the selected real-world geographic locale at the selected level of detail and providing the map data to the game developer to produce a computer game.

Accordingly, claim 25 is allowable for at least these reasons.

IV. Summary

It is respectfully asserted that all of the pending claims are patentable over the cited references, and allowance of the pending claims is earnestly solicited. If the Examiner believes that a telephone interview would be helpful in resolving any outstanding issues, the Examiner is respectfully invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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